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20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF NEVADA**

22 Charles Hunter,  
23  
24 Plaintiff,  
25  
26 v.  
27  
28 Broker Solutions, Inc. dba New  
29 American Funding,  
30  
31 Defendant.

Case No.:  
  
**Complaint for Damages and  
Injunctive Relief under the  
Telephone Consumer Protection  
Act, 47 U.S.C. § 227, et seq.**  
  
**Jury trial demanded**

## **Introduction**

1. Charles Hunter (“Plaintiff”), by counsel, brings this action for damages resulting from the unlawful actions of Broker Solutions, Inc. dba New American Funding (“NAF or Defendant”), in negligently and/or intentionally contacting Plaintiff on Plaintiff’s cellphone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the “TCPA”), thereby invading Plaintiff’s privacy.
2. The TCPA was designed to prevent calls like the ones described within this complaint, and to protect the privacy of citizens like Plaintiff. “Voluminous consumer complaints about abuses of telephone technology – for example, computerized calls dispatched to private homes – prompted Congress to pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to Plaintiff, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. Unless otherwise stated, all the conduct engaged in by Defendant took place in Nevada.
6. Any violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.

## **Jurisdiction and Venue**

7. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).
8. This action arises out of Defendant’s violations of the FDCPA.

1 9. Defendant is subject to personal jurisdiction in Nevada, as it is registered with  
2 the Nevada Secretary of State and conducts business in Nevada, and attempted to  
3 collect debt from Plaintiff in Nevada.

4 10.Venue is proper pursuant to 28 U.S.C. § 1391 because all the conduct giving rise  
5 to this complaint occurred in Nevada.

6 **Parties**

7 11.Plaintiff is a natural person who resides in Clark County, Nevada.

8 12.Plaintiff is alleged to owe a debt, and is a consumer as that term is defined by 15  
9 U.S.C. § 1692a(3).

10 13.Defendant is a company that offers debt collection services.

11 14.Defendant uses an instrumentality of interstate commerce or the mails in a  
12 business the principal purpose of which is the collection of debts; or who  
13 regularly collects or attempts to collect, directly or indirectly, debts owed or due  
14 or asserted to be owed or due another; and is a debt collector as defined by 15  
15 U.S.C. § 1692a(6).

16 15.NAF is a corporation doing business in the State of Nevada.

17 16.Unless otherwise indicated, the use of Defendant's name in this Complaint  
18 includes all agents, employees, officers, members, directors, heirs, successors,  
19 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of  
20 the named Defendant.

21 **Factual allegations**

22 17.The following is some of the information Plaintiff is currently aware of, and it is  
23 expected that after Plaintiff conducts discovery, these allegations will be  
24 bolstered and enhanced through discovery.

25 18.Plaintiff has always been current on his mortgage.  
26  
27

1  
2 19.Plaintiff has been receiving calls from ANF stating that he is past due.

3 20. When Plaintiff answers the phone there is a pause, then a representative gets on  
4 the line and asks when they can expect payment.

5 21.Each time Plaintiff has answered he asks if he is past due and the representative  
6 confirms that he is not past due.

7 22.Plaintiff asks representative why he is getting these calls and he is told by the  
8 representative that the representative does not know why.

9 23.Plaintiff has requested multiple times that Defendant stop calling him.

10 24.Plaintiff continues to receive calls from defendant at least five to eight days every  
11 month.

12 25.On the days that Plaintiff receives calls from defendant, he receives as many as  
13 three calls in a single day.

14  
15 **Plaintiff's damages**

16 26.Plaintiff has suffered emotional distress and mental anguish as a result of  
17 Defendant's actions described herein. In addition, Plaintiff incurred out-of-pocket  
18 costs and time in attempts to dispute Defendant's actions. Plaintiff further  
19 suffered humiliation and embarrassment when Plaintiff needed to seek the help of  
20 others, including friends, family, and an attorney, because Plaintiff felt helpless  
21 against Defendant.

22 **First Cause of Action**

23 **Negligent Violations of the TCPA**

24 **47 U.S.C. § 227, et seq.**

25  
26 27. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
27 as though fully stated herein.

28. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227, et seq.

29. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq, Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

30. Plaintiff is also entitled to and seeks injunctive relief prohibiting such conduct in the future.

### **Second cause of action**

#### **Knowing and/or Willful Violations of the TCPA**

31. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

32. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227, et seq.

33. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 et seq, Plaintiff is entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(C).

34. Plaintiff is also entitled to and seeks injunctive relief prohibiting such conduct in the future.

#### **Prayer for relief**

35. Wherefore, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- Award statutory damages of \$500.00 for each and every negligent violations of 47 U.S.C. § 227(b)(1), pursuant to 47 U.S.C. § 227(b)(3)(B);

- Award statutory damages of \$1,500.00 for each and every knowing and/or willful violations of 47 U.S.C. § 227(b)(1), pursuant to 47 U.S.C. § 227(b)(3)(C);
- Injunctive relief prohibiting such conduct in the future, pursuant to 47 U.S.C. § 227(b)(3)(A); and
- Any other relief that this Court deems just and proper.

**Jury Demand**

36. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: January 10, 2022.

Respectfully submitted,

**KIND LAW**

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**FREEDOM LAW FIRM**

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